

U.S.S.N. 10/635,316
Filed: August 6, 2003
RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.116

Remarks

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 95-115 and 125-135 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Applicants respectfully traverse this rejection.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 U.S.P.Q.2d at 1116.

Claims 95-115 and 125-35 define blown or cast free-standing films comprising a polyhydroxyalkanoate (PHA), wherein the PHA has a M_w greater than 456,000 and wherein the film is made from a pellet composition comprising the PHA and a thermal stabilizer and methods of making thereof.

One of ordinary skill in the art would understand the meaning of the terms "blown film" and "cast film" and the applicants have described how to make and use these films at least at page 22, lines 14-17. Blown films are formed by melt processing a PHA, typically in the form of PHA pellets, by blowing a bubble through a circular die. Free-standing blown films do not require the use of a supporting blown film (page 22, lines 7-8). Further, the applicants describe examples of blown films having a molecular weight of 493,000 at least in Example 21 and Table 10 on page 38 of the specification.

Thus, the applicants have clearly met the written description requirement through the disclosure of the claimed films and methods of making thereof along with the

U.S.S.N. 10/635,316

Filed: August 6, 2003

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.116

description of examples which show that the Applicants had actual possession of the claimed films and methods of making thereof. Therefore, claims 95-115 and 125-35 satisfy the written description requirement.

Allowance of claims 95-115 and 125-135 is respectfully solicited.

Respectfully submitted,



Michael J. Terapane, Ph.D.

Reg. No. 57,633

Date: February 28, 2006

PABST PATENT GROUP, LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151
(404) 879-2160 (fax)